

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram
Serial #: _____
Filed: Contemporaneously
For: SEARCHER PROGRAM

Docket No.: 1414M.1
Examiner:
Group:

PRELIMINARY AMENDMENT

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandri, VA 22313-1450

Sir:

Regarding the above identified patent application please note the following remarks.

REMARKS

In the parent application, the examiner had utilized United States Patent number 6,401,118 (Thomas) against the claims. The present application has significantly modified the claims without adding any new matter to more definitely highlight one of the characteristics of the present invention.

The examiner used Thomas to show the use of multiple computers in the searching operation. It is important to understand the relationship of the computers and not just the number of computers. In this context, reference will be made to the present application's claim 1:

- 1 1. An Internet system comprising:
 - 2 a) a communication network for remote computers;
 - 3 b) a host computer providing host data via said communication network to remote computers, said host data identified by a unique host address;
 - 5 c) a searching computer having a unique user indicia contained therein, said searching computer, in response to directions from a user of said searching computer, containing data originating from a host computer with an associated host address; and,

9 d) a reporting computer connected to said communication network, said
10 reporting computer having
11 1) a data base of addresses,
12 2) memory means for storing a user identification therein, and,
13 3) means for:
14 A) receiving an inquiry having a user identification and
15 inquiry address, and,
16 B) if said inquiry address does not correspond to any
17 address within said data base,
18 1) storing said inquiry address in said data base,
19 and,
20 2) providing a reward to a user associated with said
21 reporter identification; and,
22 wherein said searching computer has means for communicating said user indicia
23 and said host address as an inquiry address to said reporting computer.

The relationship and functions of each of the computers performing the task at hand is clearly claimed.

You have:

- (1) the "host computer" which contains the data source identified by a unique address. It is this data which is being sought.
- (2) the "searching computer" which is the actual computer which makes contact with the host and obtains this infringing data; and,
- (3) the "reporting computer" which receives the data (or its address) through the intermediary computer (the "searching computer"). The reporting computer is able to determine if the data being reported has been previously reported and then properly inform the "searching computer".

Note, to the "host computer", the "searching computer" has the full right and authority to obtain the data.

When this is compared to Thomas, the differences are crystal clear. Thomas creates "... a system, method and computer program product for an online monitoring search engine..." (Col. 2, lines 14-16).

A search engine is resident on a single computer! Within the present invention, the task is clearly split between two different computers with the "searching computer" obtaining the data through a "surfing" activity of its own user.

The examiner has promoted the theory that Thomas discloses this use of external computers for the searching/surfing activity through the external computers 118 (figure 1) but these computers are not used to access the infringing data, rather they serve the same function as the "internal searchers" 110:

"A plurality of external search workstations 118... are also located within the WWW 116. The external search workstations 118 allow clients of the monitoring organization to remotely perform searches using their own personnel and equipment."

This highly ambiguous language of Thomas is clarified with reference to Figure 1 which shows the "external searchers" working through the "IPIS" search engine, NOT accessing the search space of the FTP sites (note col. 5, lines 8-15).

In essence, the teaching of Thomas relative to the "external workstations" is that they are used in lieu of the "internal workstations" for remote control of the search engine (IPIS).

This fundamental difference between the present invention's claim 1 and the teachings of Thomas is made even more dramatic through the now claimed use of "rewards" for the "searching computer". Thomas is totally silent on this aspect; then again why would Thomas even contemplate "rewards" when all of the workstations are controlled by the "monitoring organization".

Thomas only provides for a search engine; it totally fails to appreciate the power which is obtained by the present invention's creation of a rewards based reporting arrangement.

It is respectfully submitted that claims 1-19, as filed, are not taught or suggested by Thomas.

Respectfully Submitted,



Mark E. Ogram
Attorney at Law
Reg. No. 30343

Date: 7/6, 2004